

1 BARRY J. PORTMAN
Federal Public Defender
2 CYNTHIA C. LIE
Assistant Federal Public Defender
3 160 West Santa Clara Street, Suite 575
San Jose, CA 95113
4 Telephone: (408) 291-7753
5 Counsel for Defendant RAMIREZ

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JUL 26 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

**Chambers Copy
FILED**

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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 JOSE RAMIREZ, Jr.,

14 Defendant.
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No. CR 06-70390 HRL

STIPULATION, WAIVER AND
[PROPOSED] ORDER CONTINUING
PRELIMINARY
HEARING/ARRAIGNMENT

16 **STIPULATION**

17 The parties hereby stipulate and agree that the preliminary hearing/arraignment currently
18 scheduled for July 27, 2006 may be continued to August 24, 2006 at 9:30 a.m. The reason for
19 the requested continuance is to permit the parties to conduct additional investigation, to review
20 and consider additional discovery and to continue their efforts to negotiate a pre-indictment
21 resolution of the matter. The parties further stipulate and agree that 28 days may be excluded
22 from the time limits of Rule 5.1(c) of the Federal Rules of Criminal Procedure and the Speedy
23 Trial Act, 18 U.S.C. §§3161(a), 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

1 Dated: July 25, 2006

2 s/
CYNTHIA C. LIE
Assistant Federal Public Defender

4 Dated: July 26, 2006

5 s/
THOMAS M. O'CONNELL
Assistant United States Attorney

7 **WAIVER**

8 I, Jose Ramirez Jr., have been advised of my rights to the following:

- 9 (1) the filing of an information or indictment within thirty days from the date of my arrest in
10 the above-captioned case, pursuant to 18 U.S.C. §3161(a); or
11 (2) a preliminary hearing within 10 days of my initial appearance in this case, pursuant to
12 Rule 5.1(c) of the Federal Rules of Criminal Procedure.

13 I hereby consent to delay the preliminary hearing and filing of the indictment or
14 information for an additional 28 days.

16 Dated: July 25, 2006

17 s/
JOSE RAMIREZ, Jr.
18 Defendant

20 ~~PROPOSED~~ ORDER

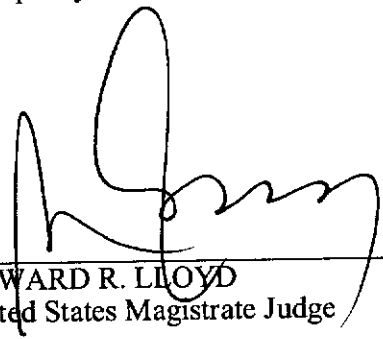
21 Good cause appearing and by stipulation of the parties,

22 IT IS HEREBY ORDERED that the preliminary hearing/arraignment currently scheduled
23 for July 27, 2006 shall be continued to August 24, 2006 at 9:30 a.m.

24 IT IS FURTHER ORDERED that 28 days shall be excluded from the computation of
25 time within which the preliminary hearing and trial shall commence under Rule 5.1(c) of the
26

1 Federal Rules of Criminal Procedure and the Speedy Trial Act, 18 U.S.C. §§3161(h)(8)(A) and
2 3161(h)(8)(B)(iv).

3
4 Dated: July 26, 2006


5 HOWARD R. LLOYD
6 United States Magistrate Judge
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